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## **OLR Bill Analysis**

**sHB 5113 (as amended by House “A” and “B”)\***

### ***AN ACT CONCERNING YOUTH ATHLETICS AND CONCUSSIONS.***

#### **SUMMARY:**

This bill makes several changes and additions to the laws regarding concussion prevention.

It narrows the scope, from concussions and head injuries to just concussions, of the (1) initial training course and subsequent information review that intramural and interscholastic athletics coaches must complete and (2) training and refresher courses the State Board of Education (SBE) must develop in consultation with several entities. It also specifies that a concussion is a type of brain injury.

The bill broadens the (1) list of entities SBE must consult when developing the training and refresher courses and information review to include the Department of Public Health (DPH) commissioner and (2) information required in the refresher course.

It (1) requires SBE to develop a concussion education plan and (2) prohibits school boards from allowing a student athlete to participate in any intramural or interscholastic athletic activity unless the athlete and his or her parent or guardian complete certain requirements pertaining to the plan.

It also requires (1) SBE to develop or approve an informed consent form on concussions to distribute to parents and legal guardians of student athletes involved in intramural and interscholastic athletic activities and (2) schools to provide the form to each student athlete’s parent or guardian and get his or her signature authorizing the student to participate in the athletic activity.

The bill additionally requires:

1. SBE to annually collect and report to DPH information from all school districts on concussion occurrences and
2. coaches or other qualified school employees to notify a student athlete's parent or guardian when the student is removed from play for a concussion or suspected concussion.

Finally, the bill establishes a 20-member task force to study concussion occurrences in youth athletics and recommend possible legislative initiatives to address such concussions. The task force must report its findings and recommendations to the Public Health and Children's committees by January 1, 2015.

\*House Amendment "A":

1. eliminates a requirement that the refresher course include updates on coaching best practices for all coaches and instead requires the refresher course to include football-specific best practice information for football coaches;
2. requires school boards, instead of the governing authority for intramural and interscholastic athletics, to (a) implement the concussion education plan and (b) prohibit students from participating in athletic activities unless the student and his or her parent or guardian meets certain requirements regarding the plan;
3. removes language expanded the types of activities from which a student athlete is barred following a concussion or suspected concussion; and
4. makes other minor changes.

\*House Amendment "B" establishes the concussion task force.

EFFECTIVE DATE: July 1, 2014, except for the task force provision, which is effective upon passage.

**TRAINING AND REVIEW MATERIAL REQUIREMENTS**

Current law requires intramural and interscholastic athletics coaches who hold or are issued a coaching permit by SBE to complete an initial training course on concussion and head injuries before beginning a coaching assignment for the school athletics season. They must subsequently complete a refresher course and annually review materials on concussions and head injuries. The bill narrows the scope of the training and review materials to only concussions, eliminating other head injuries. It also requires the initial training course to include information on the danger of continuing to engage in any athletic activity, instead of just returning to play in the same activity, after sustaining a concussion.

The bill expands the information required in the refresher course to include (1) an update on medical developments and current best practices in concussion research, prevention, and treatment; and (2) for football coaches, current best practices regarding football coaching, including frequency of games, full contact practices, and scrimmages as identified by the governing authority for intramural and interscholastic athletics.

The bill also requires SBE to consult with the DPH commissioner to develop or approve the concussion training courses and, starting October 1, 2014, annually prepare or approve the review materials. SBE must already consult on these matters with (1) the intramural and interscholastic athletics governing authority, (2) an appropriate organization representing licensed athletic trainers, and (3) an organization representing county medical associations.

## **CONCUSSION EDUCATION PLAN AND INFORMED CONSENT FORM**

### ***Concussion Education Plan***

The bill requires SBE, by January 1, 2015 and in consultation with the above entities, to develop or approve a concussion education plan for use by local and regional school boards. The school boards must implement the plan by using written materials, online training or videos, or in-person training and must include the same information required in the concussion training course above, as well as current

best practices in the prevention and treatment of a concussion.

Starting with the 2015-2016 school year, the bill prohibits school boards from allowing a student athlete to participate in any intramural or interscholastic athletic activity unless the student and his or her parent or guardian (1) reads written materials, (2) views online training or videos, or (3) attends in-person training regarding the plan.

### ***Informed Consent Form***

The bill requires SBE, by July 1, 2015 and in consultation with the above entities, to develop or approve an informed consent form regarding concussions to distribute to parents and legal guardians of student athletes involved in intramural and interscholastic athletic activities. The consent form must include a summary of the (1) concussion education plan and (2) applicable school board concussion policies.

The bill requires schools, starting with the 2015-2016 school year, to provide the consent form to each participating student athlete's parent or legal guardian. The schools must also get the parent's or guardian's signature, attesting that he or she received the form and authorizing the student to participate in the athletic activity.

### **CONCUSSION NOTIFICATION**

The bill requires a qualified school employee, when a student athlete is removed from an athletic activity for a concussion or suspected concussion, to notify the student's parent or legal guardian that the student has been diagnosed with, or shown signs, symptoms, or behaviors of, a concussion. The employee must (1) provide the notice within 24 hours after removing the student and (2) make a reasonable effort to provide the notice immediately after the student is removed.

A "qualified school employee" means a principal, teacher, licensed athletic trainer, licensed physical or occupational therapist employed by a school district, coach, or school paraprofessional.

### **SCHOOL DISTRICT AND AGENCY REPORTING REQUIREMENTS**

The bill requires SBE, starting with the 2014-2015 school year, to annually require school districts to collect and report to it all concussion occurrences. The report must include the (1) nature and extent of the concussion and (2) circumstances in which the student sustained it.

SBE, starting with the 2015-2016 school year, must annually send a concussion report to DPH containing all the reported school district concussion information. DPH, starting by October 1, 2015, must annually report the SBE concussion report's findings to the Children's and Public Health committees. (The bill does not include a specific deadline by which SBE must send the 2015-2016 school year concussion report to DPH.)

### **CONCUSSION TASK FORCE**

The bill establishes a task force to study concussion occurrences in youth athletics and make recommendations for possible legislative initiatives to address concussions. The study must examine (1) current best practices for concussion recognition and prevention in youth athletics; (2) current concussion policies and procedures used by youth athletic league operators in the state; (3) youth athletic league employee and volunteer training; and (4) relevant federal, state, and local concussion laws and regulations.

The task force members must include the public health, children and families, and education commissioners, or their designees, and the appointees shown in Table 1.

**Table 1: Concussion Task Force Appointees**

<i><b>Appointing Authority</b></i>	<i><b>Number of Appointees</b></i>	<i><b>Qualifications</b></i>
House speaker	Two	<ul style="list-style-type: none"><li>• Intramural and interscholastic athletics governing authority representative</li><li>• Connecticut State Medical Society representative</li></ul>
Senate president pro tempore	Two	<ul style="list-style-type: none"><li>• County medical association representative</li><li>• American Association of Neurology</li></ul>

		representative
House majority leader	Two	<ul style="list-style-type: none"> <li>• Licensed athletic trainer representative</li> <li>• Youth athletic coach</li> </ul>
Senate majority leader	Two	<ul style="list-style-type: none"> <li>• Sports medicine physician</li> <li>• Association of School Nurse of Connecticut representative</li> </ul>
House minority leader	Two	<ul style="list-style-type: none"> <li>• Academic who has studied the effects of concussions on children</li> <li>• Connecticut Association of Psychologists representative</li> </ul>
Senate minority leader	Two	<ul style="list-style-type: none"> <li>• Connecticut Concussion Task Force representative</li> <li>• Connecticut Children's Medical Center representative</li> </ul>
Children's Committee House chairperson	Two	<ul style="list-style-type: none"> <li>• Parent concussion awareness advocacy group representative</li> <li>• State-licensed chiropractor</li> </ul>
Children's Committee Senate chairperson	Two	<ul style="list-style-type: none"> <li>• Connecticut Recreation and Parks Association representative</li> <li>• Attorney with experience in representing brain injury survivors</li> </ul>
Governor	One	<ul style="list-style-type: none"> <li>• Hezekiah Beardsley Connecticut Chapter of the American Academy of Pediatrics representative</li> </ul>

All task force appointments must be made within 30 days after the bill's passage. The appointing authority must fill any vacancy. The House speaker and the Senate president pro tempore must select the task force chairpersons from its members and the chairpersons must schedule the first meeting within 60 days after the bill's passage. The Children's Committee administrative staff serves as the task force's administrative staff.

The bill requires the task force to report its findings and recommendations to the Public Health and Children's committees by January 1, 2015. It terminates on the date it submits the report or January 1, 2015, whichever is later.

## **BACKGROUND**

***Legislative History***

The House referred the bill (File 144) to the Education Committee, which reported it favorably without change. The House then referred the bill to the Appropriations Committee, which reported a substitute bill that removed provisions (1) establishing a 20-member task force to study concussion occurrences in youth athletics and recommend possible legislative initiatives to address such concussions and (2) requiring youth athletic activity operators to provide written concussion information to each youth athlete and his or her parent or guardian.

**COMMITTEE ACTION**

## Committee on Children

Joint Favorable Substitute

Yea 11 Nay 1 (03/11/2014)

## Education Committee

Joint Favorable

Yea 25 Nay 3 (04/02/2014)

## Appropriations Committee

Joint Favorable Substitute

Yea 45 Nay 2 (04/09/2014)